

STAFF REPORT

DATE: August 29, 2018

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00310

**C10-18-15 STARBUCKS RESTAURANT / BRIXMOR HOLDINGS 1 SPE, LLC /
65 WEST RIVER ROAD, C-2**

The applicants' property is within a shopping center zoned C-2 "Commercial", located at the southwest corner of River Road and Stone Avenue. As River Road is designated as a Scenic Route per the City of Tucson Major Streets and Routes Map, the property is located within the Scenic Corridor Overlay Zone (SCZ). The applicants are proposing to construct a new restaurant with drive-through service.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

1. Reduce the building setback specific to the Scenic Corridor Overlay Zone from sixty-six (66') feet to thirty-one (31') feet, as measured from the future right of way of River Road; and
2. Allow the drive-through lane to be partially located within the thirty (30') foot Scenic Buffer of River Road, all as shown on submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Sections 5.3.4.A and 5.3.5.A, which provide the criteria for development in the Scenic Corridor Overlay Zone (SCZ).

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED C-2; (new restaurant with drive-thru, in commercial center)

North: Zoned C-2; (across River Road - commercial)

South: Zoned C-2; (adjacent lot, same center – commercial)

East: Zoned C-2 (adjacent lot same center and across Stone Avenue- commercial)

West: Pima County jurisdiction (residential, manufactured housing development)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department has no objection/adverse comments, as the location is not within a floodplain.

Design Review Board (DRB)

Zoning regulations require requests for alterations to SCZ criteria to be reviewed by the Design Review Board (DRB) for recommendation to the Board of Adjustment. The variance requests were reviewed by the DRB (Case T18SA00333) on August 17, 2018. The DRB recommends approval of the requested variances, with the following condition:

- 1) In exchange for the placement of the drive-thru location within the scenic buffer, the applicant is to expand the existing scenic buffer at the northwest area of the site with an area equal to the area of encroachment; provide plant materials and density in accordance with landscaping standards.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicants' property is an approximately 4.7 acre parcel within a shopping center zoned C-2 "Commercial", located at the southwest corner of River Road and Stone Avenue. As River Road is designated as a Scenic Route per the City of Tucson Major Streets and Routes Map, the property is located within the Scenic Corridor Overlay Zone (SCZ).

The applicants are proposing to construct a new restaurant with drive-through service at the northwest side of the overall center. The proposed development triggers compliance with the Tucson *Unified Development Code* (UDC).

Scenic Corridor Zone Buffer

Per UDC 5.3.4, a minimum 30' wide natural landscape buffer is required, extending into the site from future right of way line (property line) of River Road. The development package for the restaurant indicates the drive-through service lane would encroach within the on-site scenic buffer.

Scenic Corridor Zone Setbacks

Per UDC 5.3.5, the proposed structure height is 22'. Within the SCZ, the building setback is three times the structure height, taken from future right of way line/property line. With the planned 22' tall structure, the applicant seeks to reduce the required 66' Scenic Corridor building setback to 31' from the future right of way line/property line.

Discussion

The shopping center site was annexed into the city limits in phases, in 1982 and 1987. The property was combined from two lots and rezoned in 1987 and 1988 to C-2, with the shopping center built in June of 1995 (Pima County Assessor.) The current buffer area consists of large native canopy trees, saguaro cacti and low lying shrubs.

The proposal shows the new 22' tall restaurant building and drive through lane aligned parallel to River Road. Per the applicant's submittal, the proposed position of the building at a reduced setback of 31' from the future right of way line/property line is due to existing drainage, easements, layout of existing buildings and traffic circulation based off access points. The proposal also shows the planned drive through lane encroaching 12' within the 30' wide on site scenic buffer.

Per staff's evaluation, there are further geographical factors for the consideration of the variance requests, specifically regarding the setback to place a new building. The new building location at 66' setback from the right of way line could only be met at the far west side of the site. While such location would be in the footprint of the building to be demolished, it should be clarified the former restaurant building has been vacant since 2010 (Sign Code data), evident that building was not easily seen, due to existing site conditions.

Conclusion

Given there are special circumstances that exist such as existing driveway locations, lack of visibility, easements, drainage areas and mature trees that impact the proposed development; and given these circumstances, the property cannot be reasonably developed in conformance with *UDC* provisions; and that the proposal is the minimum requested to afford relief, staff has no objection to the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notification dated July 10, 2018, and the meeting summary and sign-in sheet dated July 20, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff has no objection of the applicants' requested variances, subject to the following conditions:

A) In exchange for the placement of the drive-thru location within the scenic buffer, the applicant is to expand the existing scenic buffer at the northwest area of the site with an area equal to the area of encroachment; provide plant materials and density in accordance with landscaping standards.

It is the opinion of staff that granting of the variances will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located, will not be detrimental to public welfare or injurious to other property or improvements, and will not substantially diminish or impair property values within the neighborhood.

Heather Thrall, Lead Planner
for
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